



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

November 16, 2004

David Bishop, Manager
Nexfor Fraser Papers
Fraser NH LLC
Berlin-Gorham Operations
650 Main Street
Berlin, NH 03570-2489

NOTICE OF PAST VIOLATION

Re: October 15, 2004 Overflow
Fraser Papers NPDES Permit No. NH0000655

Dear Mr. Bishop:

The Department of Environmental Services (DES) has received your correspondence dated October 18, 2004 regarding the October 15, 2004 overflow of a manhole at the Berlin Pulp Mill during your annual shutdown. The following information was provided in that correspondence: stormwater passed through the mill on the overflow, flushed sewers that were not in use and picked up residual pulping liquor; there was a resultant pH reading of 10.3; the event lasted approximately 20-30 minutes; and less than 1000 gallons reached the storm drains, which eventually run to Androscoggin River (thus inferring that the overflow discharge eventually reached the Androscoggin River). Also according to that correspondence, to prevent this from happening again, a larger pump was installed to be able to handle the stormwater flows, and berms were placed near the railroad tracks to divert all flow back into the mill sewers.

Through this Notice of Past Violation, DES is documenting that a violation has occurred with this unpermitted discharge. Specifically, per RSA 485-A:13 it is unlawful for any entity to discharge any sewage or waste to the surface water of the state without a permit. Though Fraser Paper does have a NPDES Permit (adopted as a state discharge permit), it does not provide coverage for these kind of unpermitted discharges or releases. In accordance with Env-C 603.05 discharging sewage or other waste to surface waters of the state without first obtaining a permit can be subject to state or federal fines.

DES is also putting Fraser on notice that overflow events such as those that have been experienced at Fraser (DES records indicate that, in addition to the recent one, there have been ten (10) other overflow events this calendar year of 2004) may result in the imposition of a fine (including, but not necessarily limited to imposition of a fine amount

per citation Env-C 603.05) if improvements are not made. Consideration will be given to the nature of such events, actions taken to prevent such events, actions taken to address events that were not prevented, among other factors. In this context, it is requested that Fraser evaluate appropriate preventive measures and provide DES with an action plan within 60 days to prevent these discharges in the future.

If you have any questions regarding this Notice of Past Violations, please contact Stergios Spanos at (603) 271-6637.

Sincerely,

 **COPY**

John R. Bush, P.E.

Administrator

Wastewater Engineering Bureau

cc: Joy Hilton – USEPA, Water Technical Unit
Kerry Barnsley – DES Legal Unit
Tammie L. Lavoie, Nexfor Fraser Papers

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